



MS PETITION
Docket No.: 1248-0673P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yutaka TAKAFUJI et al.

Application No.: 10/668,186

Confirmation No.: 4125

Filed: September 24, 2003

Art Unit: 2813

For: SINGLE-CRYSTAL SILICON SUBSTRATE,
SOI SUBSTRATE, SEMICONDUCTOR
DEVICE, DISPLAY DEVICE, AND
MANUFACTURING METHOD OF
SEMICONDUCTOR DEVICE

Examiner: L.M. Schillinger

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW FINALITY OF REJECTION

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is to request that the finality of the rejection made in the Office Action, dated October 5, 2006, be withdrawn. The outstanding Office Action presented a new ground of rejection under 35 U.S.C. 102(b) that was not necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement (M.P.E.P. 706.07(a)).

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An Amendment was filed on May 8, 2006 that amended the claims to correspond to claims in a previous Amendment, dated April 11, 2005. New claim 58 was added to reinstate original claim 17 that had been canceled. Other claim amendments correct the dependency to

reflect the change to claim 58. Thus, the present claims correspond to the claim set of April 11, 2005. Present independent claim 16, in particular, is identical to the originally filed claim.

In an Amendment filed on October 27, 2005 along with an RCE, the subject matter of claim 17 had been incorporated into claim 16, and claim 17 canceled. The amendment of claim 16 to incorporate claim 17 appeared to lead to some confusion and did not result in an allowance of the application (see Interview Summary of March 1, 2006). Subsequently, Applicants chose to remove the added features of original claim 17 from claim 16, and reinstate claim 17 as new claim 58. As mentioned above, the Amendment of May 8, 2006 reflects the claims reverted back to the claim set of April 11, 2005.

The Office Action of October 5, 2006 rejects claim 22, previously indicated as allowable, and presents a new ground of rejection, which rejects claims 16, 18-24, 29-34, and 58 under 35 U.S.C. 102(b) as being anticipated by JP 06-011729 (Yudasaka). Since each of the rejected claims correspond to claims in the April 11, 2005 Amendment, Applicants submit that the new ground of rejection was not necessitated by Applicants' amendment of the claims.

In view of the above-described facts, it is respectfully submitted that the subject final rejection is premature. The present Petition is timely filed for this purpose.

It is believed that no petition fee is necessary in connection with this Petition.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

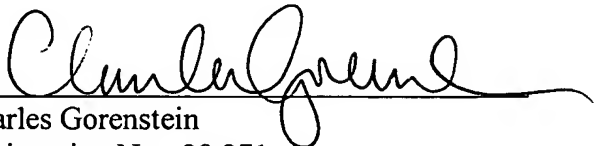
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Should the Examiner have any questions regarding this matter, she is respectfully requested to contact Robert W. Downs (Reg. No. 48,222), who may be reached in the Washington, DC, area at (703) 205-8000.

Date: December 5, 2006

Respectfully submitted,

By 
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